



Thursday, February 25, 2016

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- The House will reconvene for its 29th Legislative Day on Friday, February 26 at 9:30 a.m.
- The Rules committee will meet at 8:30 a.m.
- 16 bills / resolutions are expected to be debated on the floor.

Today on the Floor

Rules Calendar

HB 205 Drivers' licenses; require driver who refused blood alcohol concentration testing to install and maintain ignition interlock devices on vehicle; provisions

Bill Summary: HB 205 provides an option to Driving Under the Influence (DUI) offenders to waive their right to an Administrative License Suspension (ALS) hearing. Those persons who submit to a field sobriety test can apply for an ignition interlock limited driving permit for a period of four months. Drivers who refuse testing will have the option to apply for an ignition interlock limited driving permit for a period of 12 months. Offenders cannot apply for reinstatement until they provide proof that they have installed an ignition interlock device on their vehicle.

Second time offenders may apply for an ignition interlock device limited driving permit only after serving 120 days of the suspension and fulfilling their enrollment requirement in a drug/alcohol treatment program. An ignition interlock device must be installed on any vehicle before an offender with an ignition interlock limited driving permit may operate the vehicle.

A driver's ignition interlock device limited driving permit shall be revoked if the ignition interlock provider center notifies the court that the device was tampered with, the driver fails to report for monitoring, or the offender tries to drive after drinking.

Authored By: Rep. Tom Rice (95th)
House Committee: Judiciary Non-Civil

Rule Applied: Modified-Structured
Committee Action: 02-17-2016 Do Pass by Committee Substitute

Floor Vote: Yeas: 169 Nays: 4

HB 216 Occupational diseases; define certain terms; provisions

Bill Summary: House Bill 216 establishes that cancer will be covered by a fire fighter's worker's compensation benefit if it is demonstrated by a preponderance of the evidence that the cancer was caused by the circumstances of his employment.

Authored By: Rep. Micah Gravley (67th)
House Committee: Industry and Labor

Rule Applied: Structured
Committee Action: 02-17-2016 Do Pass by Committee Substitute

Floor Vote: Yeas: 148 Nays: 19

HB 770 Crimes and offenses; trafficking of persons for labor or sexual servitude; provisions

Bill Summary: HB 770 revises terms and increases penalties relating to trafficking of persons. "Developmental disability" and "controlled substance" are incorporated into the sexual servitude definitions. The definition of "sexual servitude" is expanded to include conduct induced or obtained by coercion or deception from an individual who is younger than 18 or who has a developmental disability. The penalty for trafficking is modified to require imprisonment for not less than 10 or greater than 20 years and a mandatory fine not to exceed \$100,000. Finally, the bill specifically states that the

involvement of an undercover operative or law enforcement officer in a trafficking investigation is not a defense to prosecution.

Authored By: Rep. Chuck Efstation (104th)
House Committee: Judiciary Non-Civil

Rule Applied: Modified-Structured
Committee Action: 02-17-2016 Do Pass by Committee Substitute

Floor Vote: Yeas: 167 Nays: 3

HB 802 Revenue and taxation; deduction from income for contributions to savings trust accounts; revise

Bill Summary: This legislation raises the deduction from taxable net income for contributions to a Georgia Higher Education Savings Plan (529 Plan) for married contributors filing joint returns from \$2,000 per beneficiary to \$4,000 per beneficiary.

Authored By: Rep. Sam Teasley (37th)
House Committee: Ways & Means

Rule Applied: Structured
Committee Action: 02-04-2016 Do Pass

Floor Vote: Yeas: 165 Nays: 0

HB 897 Health; care and protection of indigent and elderly patients; provide for the establishment and operation of a drug repository program to accept and dispense unused prescription drugs

Bill Summary: HB 897 establishes a drug repository program to accept and dispense over the counter and prescription drugs donated for the purpose of being dispensed to an eligible patient. "Eligible patient" is defined in the bill as an individual who is indigent, uninsured, underinsured, or enrolled in a public assistance health benefits program. A donating facility can be a drug manufacturer, wholesaler, reverse distributor pharmacy, government entity, hospital, or health care facility. Donating facilities can voluntarily donate drugs to an "eligible recipient facility," which is defined in the bill to be a pharmacy, hospital, federally qualified health center, or nonprofit clinic. Drugs may only be donated to the program if they are not expired and in unopened tamper-evident packaging.

Authored By: Rep. Betty Price (48th)
House Committee: Health & Human Services

Rule Applied: Modified-Structured
Committee Action: 02-16-2016 Do Pass by Committee Substitute

Floor Vote: Yeas: 166 Nays: 0

HB 905 Courts; child abuse; change provisions

Bill Summary: HB 905 provides criminal immunity for an individual who is in good faith possession of child pornography for the purpose of promptly reporting such violation to law enforcement or mandatory reporters.

The bill changes the definition for sexual abuse to now exclude consensual relationships between adults and children who are not more than four years apart in age. 'Child Advocacy Center' is defined to include only entities operated for investigating reported child abuse and partnered with one of the enumerated governmental entities.

Moreover, the code section requiring the establishment of local child abuse protocol committees is amended to require representatives from certain local law enforcement agencies and other entities concerned with public health. HB 905 allows multi-county judicial circuits to determine whether each county in the circuit should establish a protocol committee. Each committee must file an updated protocol with the Department of Family and Children's Services each September.

Finally, the bill strikes provisions requiring county prosecuting offices to notify the division of convictions for child abuse offenses. HB 905 also removes the actions required by the division which

follow such a notifications, including the addition of the individual to the registry and the procedural recourse for removing a persons name from such a list.

Authored By: Rep. Mandi Ballinger (23rd)
House Committee: Judiciary Non-Civil

Rule Applied: Modified-Structured
Committee Action: 02-17-2016 Do Pass by Committee Substitute

Floor Vote: Yeas: 167 Nays: 0

HB 911 Sales and use tax; agricultural machinery and equipment; provide exemption

Bill Summary: This legislation makes changes to the Georgia Agricultural Tax Exemption (GATE) program. It raises the threshold for the GATE card from \$2,500 to \$10,000. It requires retailers to separate GATE purchases from other purchases and to validate those purchases. It requires the transfer of public tax information from the Department of Agriculture to the Department of Revenue so that the Department of Revenue will now be involved with validating a card holder eligibility to obtain a GATE card, and the transfer of such information is protected by confidentiality provisions contained within the bill. The Department of Agriculture is also authorized to raise GATE fees up to \$150 per three year period.

Authored By: Rep. Geoff Duncan (26th)
House Committee: Ways & Means

Rule Applied: Modified-Structured
Committee Action: 02-22-2016 Do Pass by Committee Substitute

Floor Vote: Yeas: 165 Nays: 0

Amendments: AM 34 0728

HB 919 Health; rural health care organizations which provide health care services to underserved areas; approve

Bill Summary: This legislation provides for tax credits to rural "health care organizations," defined as health organizations located in rural counties, participating in both Medicaid and Medicare, providing health care to primarily indigent patients, and receiving at least 10 percent of their gross net revenues from the treatment of indigent patients.

In the case of a single individual or head of household, the credit shall be for 90 percent of the actual amount expended or \$2,500 per year, whichever is less. In the case of a married couple filing a joint return, the credit shall be for 90 percent of the actual amount expended or \$5,000 per year, whichever or less. In the case of a corporation, the credit shall not exceed 90 percent of the amount expended or 75 percent of the corporation's income tax liability, whichever is less. The tax credit cannot exceed a taxpayer's income tax liability. Credits can carry forward, but cannot be applied retroactively. Aggregate tax credits are capped at \$250 million per year.

To apply for the credit, the donor must notify the Department of Public Health of the total amount of contributions, at which point the department will preapprove the donation within 30 days. The donation must then be made by the donor within 60 days of receiving preapproval from the department.

Authored By: Rep. Geoff Duncan (26th)
House Committee: Ways & Means

Rule Applied: Modified-Structured
Committee Action: 02-22-2016 Do Pass by Committee Substitute

Floor Vote: Yeas: 137 Nays: 30

Amendments: AM 34 0727

HB 939 Revenue and taxation; setoff debt collections by the Administrative Office of the Courts; revise terms and procedures

Bill Summary: This legislation revises procedures for Administrative Office of the Courts to intercept setoffs, which are fines and fees over \$25 used to repay debts owed to a court. A taxpayer will be notified of a setoff and may appeal the setoff.

Authored By: Rep. Betty Price (48th)
House Committee: Ways & Means

Rule Applied: Structured
Committee Action: 02-17-2016 Do Pass

Floor Vote: Yeas: 168 Nays: 0

HB 981 Taxation; certain for profit corporations to participate in the indirect ownership of a home for the mentally disabled for primarily financing purpose; allow

Bill Summary: This legislation provides a property tax exemption on homes for the mentally disabled indirectly owned by limited liability companies (LLCs) if the LLC's parent organization is qualified 501(c)(3) organization under Internal Revenue Code.

Authored By: Rep. Brett Harrell (106th)

House Committee: Ways & Means

Floor Vote: Yeas: 164 Nays: 0

Rule Applied: Structured

Committee: 02-22-2016 Do Pass by Committee

Action: Substitute

HB 987 Ad valorem tax; property; change certain definitions

Bill Summary: This legislation allows all or part of a property that is subject to conservation use restrictions to be used to host a non-profit rodeo event to which admission is charged in an amount that, on aggregate, does not exceed the cost of hosting the event.

Authored By: Rep. Tom McCall (33rd)

House Committee: Ways & Means

Floor Vote: Yeas: 169 Nays: 0

Rule Applied: Structured

Committee: 02-22-2016 Do Pass by Committee

Action: Substitute

Next on the Floor from the Committee on Rules

The Committee on Rules has fixed the calendar for the 29th Legislative Day, Friday, February 26, and bills may be called at the pleasure of the Speaker. The Rules Committee will next meet on Friday, February 26, at 8:30 a.m., to set the Rules Calendar for the 30th Legislative Day.

HB 498 Professions and businesses; professional counseling; revise definition

Bill Summary: HB 498 adds the "ability to diagnose" to the definition of professional counseling, provided the counselor has graduate level education and supervised experience, or its equivalent, working with people with mental illness. The bill also adds to the definitions regarding psychologists by including: mental abilities, neuropsychological functioning, personality characteristics, and psychological testing. The bill also expands exceptions relating to psychological counseling by including: administering and interpreting educational and vocational tests, functional assessments, interest inventories, tests that evaluate marital and family functioning, mental health symptom screening, and assessment instruments that evaluate emotional, mental, behavioral, and interpersonal problems.

Authored By: Rep. Lee Hawkins (27th)
House Committee: Regulated Industries

Rule Applied: Modified-Structured
Committee Action: 02-23-2016 Do Pass by Committee Substitute

HB 508 Appellate court judges; age of eligibility for certain benefits; decrease

Bill Summary: HB 508 amends O.C.G.A. 47-2-244 relating to retirement benefits payable to appellate court judges covered under the Employees' Retirement System of Georgia. The eligibility age to receive normal retirement benefits would decrease from age 65 to age 60. This bill has been certified by the Georgia Department of Audits and Accounts as a fiscal retirement bill. The actuary has determined that a state appropriation of \$455,000 per year for the next 20 years is required to implement the changes set forth in this bill. It is recommended that the employer contribution rate for appellate court judges be increased from 49.9 percent to 64.12 percent.

Authored By: Rep. Barry Fleming (121st)
House Committee: Retirement

Rule Applied: Modified-Structured
Committee Action: 01-27-2016 Do Pass

HB 654 Tattoo studios; post notification that certain tattoos could disqualify wearer from military service; require

Bill Summary: HB 654 imposes signage requirements for tattoo parlors warning individuals that certain types of tattoos can preclude an individual from military service. Failure to post such sign results in a staggered fine which increases per violation.

Authored By: Rep. Sandra Scott (76th)
House Committee: Regulated Industries

Rule Applied: Modified-Open
Committee Action: 02-23-2016 Do Pass by Committee Substitute

HB 736 Special license plates; marine habitat conservation; provide

Bill Summary: House Bill 736 establishes a special license plate promoting marine habitat conservation. The funds raised by the sale of this license plate shall be disbursed to the Coastal Resources Division of the Department of Natural Resources to supplement marine habitat conservation, restoration, and enhancement projects undertaken to increase the abundance of marine fish and invertebrate species. It also so contains provisions creating a special license plates for female veterans and the Omega Si Phi Fraternity.

Further, it provides that a spouse of a veteran is eligible for a free veterans' tag.

Authored By: Rep. Alex Atwood (179th)
House Committee: Motor Vehicles

Rule Applied: Modified-Structured
Committee Action: 02-18-2016 Do Pass by Committee Substitute

HB 749 State government; councils to meet by teleconference or similar means; authorize

Bill Summary: HB 749 allows regional commission councils to meet by teleconference or similar means.

Authored By:	Rep. William Werkheiser (157th)	Rule Applied:	Modified-Open
House Committee:	State Planning & Community Affairs	Committee Action:	02-22-2016 Do Pass

HB 887 Courts; parental rights; prioritize placement of a child with an adult or fictive kin qualified to care for such child

Bill Summary: HB 887 prioritizes the placement of a child in a dependency hearing with a relative who is a qualified adult or fictive kin, not related by blood or marriage, when it is in the best interests of the child.

Authored By:	Rep. Chuck Efration (104th)	Rule Applied:	Modified-Structured
House Committee:	Juvenile Justice	Committee Action:	02-22-2016 Do Pass by Committee Substitute

HB 893 Revenue and taxation; forms of payment; change certain provisions

Bill Summary: This legislation lowers and streamlines the electronic tax filing threshold for businesses and individuals from \$1,000 to \$250 for calendar year 2017, and to \$100 for 2018 and beyond. The Department of Revenue may then require electronic filing at or above said thresholds.

Authored By:	Rep. Jay Powell (171st)	Rule Applied:	Structured
House Committee:	Ways & Means	Committee Action:	02-17-2016 Do Pass

HB 899 Commerce and trade; tobacco product manufacturers; revise and add certain definitions

Bill Summary: This legislation makes certain changes to Georgia's escrow laws relating to tobacco product manufacturers to satisfy state commitments relating to the tobacco master settlement agreement.

Authored By:	Rep. Jay Powell (171st)	Rule Applied:	Structured
House Committee:	Ways & Means	Committee Action:	02-22-2016 Do Pass by Committee Substitute

HB 926 Pharmacists and pharmacies; regulation of certain facilities and entities involved in the wholesale, manufacture, and distribution of drugs; provide

Bill Summary: HB 926 requires the third-party logistics providers, defined in the bill as an entity that provides or coordinates warehousing, distribution, or other services on behalf of a manufacturer but does not take title to a drug or have general responsibility to direct the sale or other disposition of the drug, to be licensed by the Georgia State Board of Pharmacy (the "board"). This bill allows the board to issue temporary licenses in emergency situations that will expire at the end of the month following the third board meeting conducted after the issuance of such license. Additionally, temporary licenses may also be issued to a service member for a period of six months.

Authored By:	Rep. Bruce Broadrick (4th)	Rule Applied:	Modified-Structured
House Committee:	Health & Human Services	Committee Action:	02-23-2016 Do Pass by Committee Substitute

HB 954 "Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act"; enact

Bill Summary: HB 954 establishes the 'Uniform Adult Guardianship and Conservatorship Proceedings Jurisdiction Act.' Under the provisions of this bill, when an individual is involved in guardianship proceedings and conservatorship proceedings, courts in Georgia can compel courts in other states to facilitate the process of transferring guardianship or conservatorship. Additionally, this bill enhances interstate recognition and enforcement of guardianship orders. Finally, this bill enables courts in Georgia and courts in other states to communicate, maintain records, and respond to requests for assistance.

Authored By: Rep. Chuck Efstoration (104th)
House Committee: Health & Human Services

Rule Applied: Modified-Structured
Committee Action: 02-23-2016 Do Pass by Committee Substitute

HB 959 Education; K-12; update and clarify certain provisions

Bill Summary: House Bill 959 revises sections of Title 20.

Section 1 clarifies local board of education members ability to speak with constituents, conduct town hall meetings, or discuss non-confidential matters with the media. Section 2 updates provisions relating to awarding high school diploma for completion of postsecondary programs. Section 3 updates Move on When Ready provisions. Section 4 clarifies annual performance evaluations allowing sharing data between the Department of Education and the Office of Student Achievement as long as no personally identifiable information is shared. Section 5 allows students who earn an A, B, or C in a dual credit course to exempt their end-of-course assessment. Section 6 repeals provisions relating to the Office of Student Achievement regarding non-profit corporations' prohibition from holding real property in fee simple.

Authored By: Rep. Beth Beskin (54th)
House Committee: Education

Rule Applied: Modified-Structured
Committee Action: 02-17-2016 Do Pass by Committee Substitute

HB 962 Human Services, Department of; creation, appointment, removal, and duties of a kinship care enforcement administrator; provide

Bill Summary: HB 962 creates a Kinship Care Enforcement Administrator position within the Department of Human Services which is approved and removed by the board, and subject to the approval of the governor. The purpose of the position is to coordinate and ensure compliance with federal regulations regarding children being raised by family members or close family friends.

Authored By: Rep. Stacey Abrams (89th)
House Committee: Juvenile Justice

Rule Applied: Modified-Open
Committee Action: 02-22-2016 Do Pass by Committee Substitute

HB 979 Crimes and offenses; assault and battery; increase the punishment committed upon hospital emergency department and medical services personnel

Bill Summary: HB 979 increases the penalty for the offense of aggravated assault on hospital emergency and medical services personnel when those individuals are in the performance of their duty. The penalty is a felony punishable with imprisonment from five to 20 years.

Authored By: Rep. Johnnie Caldwell (131st)
House Committee: Judiciary Non-Civil

Rule Applied: Modified-Structured
Committee Action: 02-22-2016 Do Pass

HB 1053 Grady County; board of education; provide that members shall be elected on a nonpartisan basis

Bill Summary: A Bill to provide nonpartisan elections of the Grady County Board of Education.

Authored By: Rep. Darlene Taylor (173rd)
House Committee: Intragovernmental Coordination

Rule Applied: Modified-Structured
Committee Action: 02-24-2016 Do Pass

HB 1084 State Soil and Water Conservation Commission; measuring farm and agriculture uses of water; eliminate certain powers and duties

Bill Summary: This legislation transfers the duties associated with measuring farm and agricultural water use from the Georgia Soil and Water Conservation Commission to the Georgia Forestry Commission.

Authored By: Rep. Penny Houston (170th)
House Committee: Appropriations

Rule Applied: Open
Committee Action: 02-24-2016 Do Pass

HB 1085 Social services; aging; transfer oversight of such services to the Department of Community Health

Bill Summary: HB 1085 shifts the responsibility for implementing community-based services for the elderly from the Department of Human Services to the Department of Community Health. As a result of

HB 1085, the Division of Medical Assistance within the Department of Community Health will establish a community care unit. Additionally, the division must prepare an annual community care service plan to be incorporated into the State Plan for Medical Assistance.

Authored By: Rep. Katie Dempsey (13th)
House Committee: Appropriations

Rule Applied: Modified-Open
Committee 02-24-2016 Do Pass
Action:

Committee Actions

Bills passing committees are reported to the Clerk's Office and are placed on the General Calendar.

Energy, Utilities & Telecommunications Committee

HB 1036 Eminent domain; construction of petroleum pipelines and the environmental permitting requirements; change certain provisions

Bill Summary: HB 1036, relating to the exercise of power of eminent domain for special purposes, changes certain provisions relating to the exercise of power of eminent domain for construction of petroleum pipelines and the environmental permitting requirements for petroleum pipelines.

Authored By: Rep. Bill Hitchens (161st)

House Committee: Energy, Utilities & Telecommunications

Committee Action:

02-25-2016 Do Pass by Committee Substitute

Intragovernmental Coordination - Local Committee

HB 1002 College Park, City of; nonbinding, advisory referendum regarding airport noise issues; provide

Bill Summary: A Bill to provide for a nonbinding, advisory referendum for the electors of the City of College Park regarding airport noise issues.

Authored By: Rep. Virgil Fludd (64th)

House Committee: Intragovernmental Coordination - Local

Committee Action:

02-25-2016 Do Pass

HB 1056 Pickens County; Airport Authority; reduce number of members

Bill Summary: A Bill to amend an Act creating the Pickens County Airport Authority, so as to reduce the number of members.

Authored By: Rep. Rick Jasperse (11th)

House Committee: Intragovernmental Coordination - Local

Committee Action:

02-25-2016 Do Pass

HB 1067 Greene County; board of elections and registration; provide election supervisor

Bill Summary: A Bill to amend an Act to create a Board of Elections and Registration for Greene County, so as to provide for an election supervisor.

Authored By: Rep. Trey Rhodes (120th)

House Committee: Intragovernmental Coordination - Local

Committee Action:

02-25-2016 Do Pass

HB 1074 Cobb County; judges of the state court; change compensation

Bill Summary: A Bill to amend an Act creating the State Court of Cobb County, so as to change the compensation of the judges of the state court.

Authored By: Rep. Albert Reeves (34th)

House Committee: Intragovernmental Coordination - Local

Committee Action:

02-25-2016 Do Pass

HB 1081 Jersey, City of; terms of the members of the governing authority; change

Bill Summary: A Bill to provide a new charter for the City of Jersey.

Authored By:	Rep. Bruce Williamson (115th)		
House	Intragovernmental Coordination -	Committee	02-25-2016 Do Pass
Committee:	Local	Action:	

HB 1082 Blakely, City of; provide new charter

Bill Summary: A Bill to provide a new charter for the City of Blakely.

Authored By:	Rep. Gerald Greene (151st)		
House	Intragovernmental Coordination -	Committee	02-25-2016 Do Pass
Committee:	Local	Action:	

HB 1083 Tift County; State Court; change the office of the solicitor to a full-time position

Bill Summary: A Bill to amend an Act creating and establishing the State Court of Tift County, so as to change the office of the solicitor of the state court to a full-time position.

Authored By:	Rep. Penny Houston (170th)		
House	Intragovernmental Coordination -	Committee	02-25-2016 Do Pass
Committee:	Local	Action:	

Judiciary Committee**HB 680 Children's Hope for Family Act; enact**

Bill Summary: This bill amends Chapter 5 of Title 19 relating to divorce, so as to require either prior to filing or after filing, depending on court rule, stipulate when a person shall complete a divorce educational course if there are any children under age 18 in the family or the wife knows she is pregnant. The course would not be mandatory in cases where a protective order has been issued.

Authored By:	Rep. Ed Setzler (35th)		
House	Judiciary	Committee	02-25-2016 Tabled
Committee:		Action:	

HB 685 Georgia Real Property Common Interest Act; enact

Bill Summary: HB 685 creates the 'Georgia Real Property Common Interest Act' by adding a new article to Code sections relating to real property common interest communities and regulations of specialized land transactions. Real property common interest communities are created through a set of legal documents drafted by the developer, which may change according to the community's needs and are governed by an association made up of the individual unit owners, most often through an elected board. These may include condominiums, retirement communities, vacation timeshares, and other housing developments comprised of individually owned units, in addition to shared facilities and common areas. Under this bill, members of a real property common interest community, defined as declarant, may petition a court for transfer of ownership interest in the common area if the owners of the common area who execute the agreement or board of directors fail to maintain the common areas or to call for an election to replace the board of directors.

Where there is no real property common interest entity, one can be established by the owners in the real property common interest community by petitioning the court. Furthermore, failure to maintain or administer a real property common interest entity by the declarant is measured by factors listed out under this section. This bill also provides that a petition can be brought to the judge of the court where a hearing will be held within 90 days to determine if a violation of this code section has occurred. If a violation is found, the court can appoint a corporate entity that will serve as a real property common interest entity. The bill also creates a procedure for an election of a board of directors for new real property common interest communities.

Authored By:	Rep. Brian Strickland (111th)	Committee Action:	02-25-2016 Do Pass by Committee Substitute
House Committee:	Judiciary		

HB 914 Fair Business Practices Act; requirements for solicitations of services to obtain a copy of an instrument conveying real estate; provide

Bill Summary: HB 914 amends Part 2 of Article 15 of Chapter 1 of Title 10, relating to solicitation under the Fair Business Practice Act, to provide for requirements for solicitations of service to obtain a copy of an instrument conveying real estate and to provide for a definition. Specifically, the bill adds language which defines "instrument conveying real estate" as any document that is required to be recorded with the superior court in the county where the land is located, and requires that any solicitation have the term "This is not a Bill" at the top of the letter. Failure to comply with this section shall be considered an unfair or deceptive act or practice.

Authored By:	Rep. Sam Teasley (37th)	Committee Action:	02-25-2016 Do Pass
House Committee:	Judiciary		

HB 920 Health; hospitals and related institutions; restrict civil actions against passive investors in nursing homes and intermediate care homes

Bill Summary: HB 920 amends the Code relating to the regulation of hospitals and related institutions, so as to restrict civil actions against passive investors in nursing homes and intermediate care homes. The person or entity alleging to be a passive investor shall only be added as a party to a civil action or arbitration proceeding upon a determination by a court or arbitrator that such person or entity is in fact a licensee or management or consulting company, and the plaintiff shall bear the burden of proof of such proceedings. Where a defendant claims to be a passive investor and files a motion to dismiss or motion for summary judgment, on that basis, then all discovery, whether relating to the passive investor issue or other defendants, shall be automatically stayed until the court or arbitrator rules on such motion. The court or arbitrator shall not permit discovery relating to the motion to dismiss or for summary judgment and shall order a continuance.

A defendant that is a licensee, management or consulting company is precluded from identifying a non-party passive investor as a potentially at-fault nonparty for purposes of apportionment, unless that passive-investor nonparty has entered into a settlement agreement with the plaintiff or claimant.

Authored By:	Rep. Trey Kelley (16th)	Committee Action:	02-25-2016 Do Pass by Committee Substitute
House Committee:	Judiciary		

HB 957 Probate courts; judges and clerks publicly post notice of the availability of the affidavit of indigence; require

Bill Summary: HB 957 amends O.C.G.A 15-9-61 relating to costs and compensation of probate courts, so as to require that the judges and clerks of the probate courts publicly post notice of the availability of the affidavit of indigence.

Authored By:	Rep. Stacey Abrams (89th)	Committee Action:	02-25-2016 Do Pass by Committee Substitute
House Committee:	Judiciary		

HB 1004 Courts; maps, plats, and plans to be filed for record; provide requirements

Bill Summary: HB 1004 provides requirements for maps, plats, and plans to be filed for record with the clerk of the court. Each map or plat page image shall have a caption providing information such as the county where the property lies, the names of all property owners, name of subdivision, contact information for the land surveyor, a certificate from the land surveyor that the plan meets the

current specifications for filing with the clerk of the court, and as otherwise provided. The image attached in the filing information box has been changed from being not less than an eight and one half inch square to not less than a three inch square. Further, the bill provides that all images of maps, plats, or plans shall be an electronic image certified and presented to the clerk in conformance with all specifications set forth in any rules and regulations promulgated by the Georgia Superior Court Clerk's Cooperative Authority. The clerk shall electronically note information such as the filing date, book, and pages numbers on the image and shall transmit a copy of the map, plat, or plan with such filing information to the email address of the person filing.

Authored By: Rep. Rick Jasperse (11th)
House Judiciary
Committee:

Committee 02-25-2016 Do Pass by Committee
Action: Substitute

HB 1017 "Georgia Civil Practice Act"; general provisions governing discovery; change provisions

Bill Summary: HB 1017 amends the "Georgia Civil Practice Act" to provide discovery for electronically stored information. HB 1017 adds provisions for claiming privilege or protecting trial preparation materials that are electronically stored. In order to claim the electronically stored information is privileged, the claim must be expressly made and the nature of the material described without revealing the privileged information so as to enable other parties to assess such a claim. Information produced in discovery that is subject to a claim of privilege or of protection as trial preparation material shall be preserved by the producing party until the claim is resolved. A balancing test regarding the proportionality of the need for the discovery and the issues in the case is added to protective orders.

The Code relating to discovery of nonparties is amended to add that a party requesting discovery from a nonparty shall take reasonable steps to avoid imposing undue burden or expense on the nonparty and may also require the payment of a reasonable document copying charge. Additionally, provisions addressing the preservation of electronically stored information are amended to provide recourse for electronically stored information that is not preserved in anticipation of litigation. In such situations, the court may order measures to cure the prejudice caused by the loss, including instructing the jury to presume the information was unfavorable to the party that did not preserve the evidence.

Authored By: Rep. Barry Fleming (121st)
House Judiciary
Committee:

Committee 02-25-2016 Do Pass
Action:

HB 1041 Evidence; particular matters of proof; provide authority for the use of other mortality tables

Bill Summary: HB 1041 amends Code sections relating to permissible evidence in civil proceedings where the life expectancy or value of a person is at issue. This bill permits the court and jury to determine the life expectancy of a person via tables other than just the American Experience Mortality Tables, provided the court finds these tables to be accurate for such a determination. Additionally, the court and jury will be permitted to determine the present value of future due earnings of a person via life tables for the U.S. Social Security Administration.

Authored By: Rep. Ronnie Mabra (63rd)
House Judiciary
Committee:

Committee 02-25-2016 Do Pass
Action:

HB 1052 Business corporations; provide for benefit corporations; provisions

Bill Summary: HB 1052 amends Code sections relating to business corporations, specifically to provide for benefit corporations. The bill defines a benefit corporation as a business whose articles of incorporation contain a public benefit provision. Any stock issued by the benefit corporation shall state that they are a benefit corporation. Additionally, without at least two-thirds of the votes in each class, a corporation that is not a benefit corporation shall not amend its articles of incorporation to include a public benefit provision or engage in transactions that would result in ownership of shares

or interests of a benefit corporation. Conversely, benefit corporations, without at least two-thirds vote of all voting classes, shall not amend their articles to remove or substantially alter the public benefit provision, engage in a transaction that would give ownership or interest of the benefit corporation to a non-benefit corporation, or transfer property to a transferee who is not a benefit corporation.

Furthermore, this bill charges the board of directors of the benefit corporation to keep in mind the public provision when conducting its business and adopt a standard to measure the achievement performance regarding the public benefit provision. The benefit corporation shall also provide each member with a statement containing the public benefit provision on each notice for a meeting. No less than annually, the board shall provide its shareholders and anyone who requests, a statement showing the performance on the pursuit of the public benefit provision of their articles of incorporation.

Authored By: Rep. Scott Holcomb (81st)
House Judiciary
Committee:

Committee 02-25-2016 Do Pass by Committee
Action: Substitute

HB 1070 Domestic relations; adoption; permit the department to use certain information in the records concerning the adopted child's biological parents

Bill Summary: HB 1070 amends the Code relating to adoption, to permit the Department of Human Services to use certain information in the department's records. Under this bill, the department or the department's designee, like the Office of Adoptions, may make use of any information contained in the department's records concerning an adopted child and the adopted child's biological parents in connection with the placement of another child in the adoptive parent's home or in connection with an investigation of abuse or neglect made concerning the adoptive child's biological parents.

Authored By: Rep. Katie Dempsey (13th)
House Judiciary
Committee:

Committee 02-25-2016 Do Pass
Action:

Natural Resources & Environment Committee

HB 1028 Natural Resources, Department of; Environmental Protection Division; provide notice to affected localities upon certain events relating to permitted solid or hazardous waste facilities

Bill Summary: HB 1028 requires the owner or operator of a municipal solid waste landfill to notify the local governing authorities of any significant release within 14 days of confirmation of the release by the Environmental Protection Division.

Authored By: Rep. William Werkheiser (157th)
House Natural Resources & Environment
Committee:

Committee 02-25-2016 Do Pass by Committee
Action: Substitute

Regulated Industries Committee

HB 677 State government; casino gambling; provide limited number of licensed resort facilities; provisions

Bill Summary: HB 677 adds a new chapter to the O.C.G.A. involving casino gaming. The bill allows for casino gaming to be licensed in Georgia for the purpose of preserving the HOPE scholarship program, and other educational purposes, for the benefit of the citizens of Georgia. The Georgia Lottery and Casino Gaming Commission is vested with plenary power to write rules and regulations to regulate casino gaming. The commission also has the power to grant or deny access to anywhere casino gaming is taking place.

HB 677 defines terms involving the regulation, application for, and operation of casino gaming establishments including: cashless wagering systems; casino gaming; casino gaming education

account; casino gaming proceeds; credit instruments; gambling game (any game played with cards, dice, equipment, or any mechanical, electro-mechanical, or electronic dice for value); gaming employees; Georgia Licensed Resort Facility Host Community Fund; Georgia Problem Gaming Fund; gross gaming revenue (which excludes: counterfeit money and wagering instruments; coins of other countries placed in gaming devices; cash taken in fraudulent acts where the casino has not been reimbursed; cash received as entry fees for contests or tournaments; uncollected baccarat commissions (a fee assessed by the casino on cash paid out as a loss to a patron at baccarat to modify the odds of the game and also the fee charged by the casino to participate in the game); cash provided by the casino to a patron and subsequently won by the casino if the casino can demonstrate that it has not been reimbursed; any promotional gaming credit for slot machines or table games provided by the casino to a patron and subsequently won by the casino.

The following may be deducted from gross gaming revenue: any prizes or benefits that are redeemable for money or merchandise must not be deducted as losses from winnings at any game except for slot machines, other than money or tokens paid at face value directly to a patron; the amount of cash paid to fund periodic payments may be deducted as losses from winnings for any game; regarding slot machines, keno, and bingo, the actual cost to the casino of any personal property distributed to a patron but not travel expenses, food, refreshments, lodging, or services; regarding bingo, a casino who provides a patron with additional play as the result of a wager may be deducted as losses from winnings paid directly to that patron as result of additional play; the pro rata share of a payout from a game played in an inter-casino linked system (except for payout in conjunction with a card game); inter-casino linked system (a network of electronically interfaced similar games which are located inside or outside the state); licensed resort facility; licensing regions (five regions specified by the Georgia Constitution); periodic payments (a series of payments that are disbursed annually to remit payouts on winnings to a patron); primary casino license (the unencumbered casino gaming license in region one, where there is no limit on the number of table games or slot machines); problem gaming; slot machines; table games; wagering instrument.

HB 677 creates the Georgia Casino Gaming Commission and vests the full legal authority over the practice of casino gaming in Georgia. The commission is vested with all the powers and duties necessary to carry out the provisions set forth in the Code. The commission is also granted the following powers: the jurisdiction and supervision of licensing casino gaming to insure the highest degree of integrity and the power to eject or exclude those it deems reflect adversely to the honesty and integrity of casino gaming; the power to compel casinos to produce books and documents for review, access to casino premises, annual balance sheets, and contracts with whom the casino is conducting business; the power to promulgate rules and regulations (including penalties) under which casino gaming will take place in Georgia and the authority to compel casinos to place signs with a telephone number to organizations which provide assistance to compulsive gamblers; the power to compel casinos to produce financial statements and information on any party that has pecuniary interest with a casino; the power for the commission and its employees to inspect the to ensure compliance with the regulations of the commission; the authority to inspect all premises where gambling equipment and devices are manufactured, sold, or distributed in Georgia; the authority to summarily seize, remove, and impound any equipment or supplies from casinos for the purpose of examination and inspection; the power to study and review casino gaming, and other gaming, to make recommendations to the Governor, General Assembly, and casino advisory board; the authority to investigate suspected illegal gaming activities in Georgia and refer those findings to state and local law enforcement agencies; the authority to study problem gaming and gambling addiction and make recommendations regarding how to best identify and treat citizens affected by such disorders; the power to demand former casino licensees to furnish documents for the purpose of conducting audits and the former licensee must maintain such documents for one year following cessation of gaming activities.

HB 677 allows for the commission to hire and compensate employees. Moreover, the commission must keep true and accurate records of its proceedings and to preserve such records. Funding the operating expenses related to the operation of the commission will come from funds appropriated from the annual proceeds maintained in the Casino Gaming Education Account.

HB 677 limits the establishment of casinos in Georgia to only those which have been awarded a casino gaming license from the commission. A licensed casino may operate 24 hours a day for all legal purposes including gaming and serving alcoholic beverages. The commission may make recommendations as to altering state and local regulations that restrict the casino's ability to conduct business on a 24 hours basis.

The commission shall only have the authority to award a maximum of four casino gaming licenses at any given time. There are two distinct regions of Georgia where licenses will be granted, where region one will be allowed both a primary and secondary casino license and shall only award a secondary license after awarding a primary license. At no time will more than two licenses be permissible in region one and two licenses in region two. No casino in region two will be located within 50 miles of region one, and no casino in region two will be allowed within 50 miles of the other casino located in region two. The licensing of casinos is considered to be the exclusive province of the state government and no licensing structure may be implemented by any county or municipality.

Any person desiring to construct, establish, own or operate a casino in Georgia is required to file an application to the commission and shall contain, but not limited to, the following information: 1) The name and addresses of the corporation and all officers and directors. Moreover, if the applicant is a foreign corporation, information as to whether it is qualified to do business in the state; 2) The name and address of each stockholder or member that has 5% or greater ownership interest in such business and all persons who have contracted with the business entity that have a pecuniary interest in the casino and the nature of that interest; 3) Information that the commission deems appropriate involving the background character of the applicant and members, directors, managers of the applicant including persons who are likely to have influence over the casino operations; 4) The location and description of the premises where the applicant wishes to conduct casino gaming and any other information that the commission deems appropriate, taking into consideration whether such location would be in the best interests of the citizens of Georgia; 5) Information that the commission deems appropriate relating to the financial responsibility of the applicant; 6) If the facilities necessary for the operation of a casino require a lease, and the details of that lease; 7) Any other information that the commission deems appropriate.

Each application will be affirmed by an oath and affirmation by the applicant and accompanied by a non-refundable application fee not to exceed \$500,000 which will be deposited in the Casino Gaming Education Account within seven days of receipt. Each application will also be accompanied by a financial deposit equal to the amount of a casino gaming licensing fee equal to the amount required in the region associated with the application. If the applicant is approved for a casino gaming license, that deposit will be credited toward the required fee for the license. If the applicant is denied by the commission, the deposit will be refunded to the applicant after the seven day appeal period. Should an applicant who is denied a casino gaming license choose to appeal the decision of the commission, they must do so in the Superior Court of Fulton County and such applicant will forfeit the application deposit to the commission. During the application period, all financial deposits associated with applicants shall be held in escrow with a financial institution chosen by the commission. All forfeited deposits, and deposits for those awarded a license, shall be transferred to the Casino Gaming Education Account into the state treasury within seven days.

Issuance of a license, which conforms to the criteria of the commission, authorizes the applicant to begin construction and/or the development of the proposed casino which was detailed in the application. Operation of that facility may not commence until such time as the commission has formally issued the casino gaming license (as determined by the commission) to the licensee.

When evaluating applicants for a casino gaming license, the commission shall award a license to the applicants to best meet the following criteria: 1) The applicant is adequately capitalized (taking previous bankruptcy's into account) to construct, operate, and maintain a casino of outstanding quality. 2) If the applicant is a stock corporation, has stock that is fully paid and non-assessable and has been subscribed and paid for only in cash or property to the exclusion of past services. 3) All principal stockholders or members of the applicant have submitted to the jurisdiction of the courts of the state of Georgia and have a designated agent for the service of process in this state. 4) The plans

and specifications submitted by the applicant meet the minimum total investment levels set by the commission, and the previous history of those applicants who have owned and operated casinos. At no time shall the commission permit a minimum total investment level in the primary gaming license in region one to be less than \$1.25 billion, the secondary license in region one to be less than \$750 million, and the licenses in region 2 to be less than \$400 million. 5) The applicant has demonstrated a history of excellence in resort design and architecture, and plans to develop a casino with complimentary architecture for the surrounding area. 6) The applicant has demonstrated a history of excellence in the development and management of high quality non-gaming amenities in previous casinos. 7) The applicant has a demonstrated history of excellence in the development, management, and operation of casinos and the proposed plan reflects a focus on developing, managing, and operating a high quality casino. 8) The applicant has demonstrated a history of operating casinos that value the principles of environmental sustainability at a LEED Gold level standard or higher as awarded by the United States Green Building Council, and the proposed plans reflects those principles. 9) The applicant has a history of job creation and initial and ongoing training programs for the operation of casinos and the plans submitted to the commission reflect a focus on creating diverse and permanent job opportunities. 10) The applicant has a demonstrated history of operating casinos that match existing infrastructure capabilities of the surrounding areas and the proposed plan reflect adequate concern for infrastructure capabilities of the proposed site. 11) The applicant has a history of promoting tourism through previous casinos, and the plans submitted reflect that fact. 12) The applicant has demonstrated the ability of generating substantial revenue in a competitive business environment under varying economic conditions, and the proposal submitted by the applicant exhibits an ability to generate such revenue. 13) The applicant has a demonstrated history of brand recognition, tourism generated partnerships, and consumer satisfaction in previous casinos and the proposal submitted by the applicant exhibits the ability to maximize economic opportunity for the citizens of this state relating to those areas. 14) The applicant has a demonstrated history of generating substantial gaming and non-gaming tax revenue from previous casinos, and the proposal submitted reflects this fact. 15) The applicant demonstrates that it has a reasonable plan to address any impact that the casino might have on the operation of the Board. 16) The applicant has a demonstrated history of positive impact on the economic development of areas where it previously operated a casino, and the proposal submitted reflects the ability to encourage economic development and business growth in the area around the proposed casino site. 17) The applicant has a demonstrated history of local support and partnerships and the proposal submitted reflects clear evidence of local support and community engagement of the proposed site for the casino. 18) The applicant meets all other criteria established by the commission.

In deciding whether to award a license, the commission shall consider whether the applicant has been previously awarded a license and the extent to which an application is supported by the elected officials in the proposed casino site.

The commission shall deny any application for a casino gaming license located in any county or municipality that has not been approved by public referendum. Moreover, the commission shall deny any application for a casino gaming license if the commission finds that such application would not be in the best interest of the citizens of this state, or if such issuance would reflect adversely on the honesty and integrity of the casino gaming industry in this state, or if any principals of the applicant: 1) has knowingly made a false statement or deliberately failed to disclose any information requested; 2) is or has been found guilty of any illegal or fraudulent act connected with any casino gaming, or has been convicted of a felony; 3) has at any time, knowingly failed to comply with the rules set forth by HB 677 or the rules promulgated by the commission; 4) has legally defaulted in any payment or debt due to the state of Georgia; 5) has constructed a casino facility without being awarded a license, or has substantially deviated from the plans submitted to the commission; and 6) is not qualified to do business in Georgia or subject to the jurisdiction of Georgia courts.

The initial gaming license issued to an applicant will be for a term of 15 years and shall be subject to the review of the commission every five years within the license term. The term of the license shall commence on the issuance of the license date, not from the award date of the license. Following the award of a casino gaming license, the applicant shall require that the applicant pay a casino license

fee (which shall vary based upon the licensing region). The licensing fee for a primary gaming license in region one shall be \$40 million. The secondary gaming licensing fee in region one shall be \$25 million. The licensing fee for regions two shall be \$15 million. The General Assembly shall have the ability to modify the licensing fees, though the commission cannot alter the licensing fees through rulemaking or regulatory actions.

The commission shall establish criteria and procedures for the renewal of casino gaming licenses. This renewal process shall provide that one year before the expiration of said license, the licensee may file notice of intent to renew the license for another 15 year term. If a licensee is considered to be in good standing at the time of the renewal application, the commission shall automatically renew the license. If a licensee is not considered to be in good standing, the commission may give the licensee opportunity to remedy the issues with the commission. If such issues are addressed to the satisfaction of the commission, the license may renew the license for another 15 year term. The denial of a casino gaming license application by the commission shall be final unless appealed within seven days of the commission's decision.

The commission shall maintain and make available to every licensee a complete list containing the names of those who have been found unsuitable, denied, or had a license revoked by the commission. A person whose name has been placed on said list may petition for removal from that list no earlier than five years after the finding of unsuitability.

Any failed applicant for a casino gaming license may appeal that decision to the Superior Court of Fulton County within seven days from the commission's determination. The appellant review shall be confined to the record presented to the commission. The court shall not substitute its judgment for that of the commission (and members) in issues of discretion, or interpretations of the evaluation of fact, that have been expressly delegated to the commission. The court may review the record presented to the commission to ascertain whether an applicant's rights have been prejudiced because the actions of the commission are clearly in violation of the state constitution; in excess of the statutory authority of the commission; made on unlawful procedures; affected by other areas of law; not reasonably supported by substantial evidence in view of probative evidence in the record as a whole; or are arbitrary or capricious.

Appeal from any final judgment from the Superior Court of Fulton County may be taken by any party, including the commission in the manner provided for in civil actions.

After a hearing, and with at least 15 days' notice, the commission may suspend or revoke any license or fine the holder a sum not to exceed \$250,000 in any case in which the commission has reason to believe that any rule, regulation, or condition has been violated. Moreover, the commission may revoke a license if new facts come to light that indicate a license should not have been awarded or issued. The commission may revoke a license if the licensee fails to engage in casino gambling within three years of obtaining a license. The commission may summarily suspend a casino license for a period of not more than 90 days, pending a hearing and final determination, if the commission determines that there is a need to protect human health, safety, welfare, or revenues of the state. The commission shall schedule a hearing within 14 days of suspending the license. Deliberations of the commission shall be conducted pursuant to the rules developed by the commission. If any casino gaming license is suspended or revoked, the commission shall state its reasons for doing so. Such actions are final unless appealed pursuant to the appellant review process in the Superior Court of Fulton County. Any license surrendered or revoked shall revert to the state for future reissuance.

The commission shall have necessary authority to review and monitor changes in the ownership structure of casino gaming licenses. The commission has the power to promulgate rules that ensure the change in ownership is in compliance with HB 677 and aligns with the general public interest. The commission shall require that any person desiring to become a new partner, member, principal stockholder, gaining operational or financial control to apply with the commission. The commission shall approve or deny the application within 60 days. In situations involving an application to acquire actual control over a licensee, that applicant shall submit a proposal for the future operation of that casino and any information as may be required by the commission that assures such person will have the experience, expertise, financial responsibility, and commitment to comply with all

rules subject to the license and continued operation of the casino. The commission has the power to apply to the appropriate superior court for an injunction against a licensee, or any other person, when it appears that such person has violated or will violate the rules or regulations governing casino operation.

The commission shall not award any casino gaming license to any applicant for any facility within Georgia until a referendum approving the construction in each county or municipality of this state where the casino is located and sets forth the process which the referendum is to take place.

The commission is obligated to consider the degree to which there is evidence of local support where the applicant seeks to establish a casino. The commission shall have all the authority to communicate with government officials in the proposed host site to determine their preferences and the reasoning behind those preferences. If a prospective applicant has promised benefits to the potential host community, the commission shall take those promises into consideration when evaluating their application for a casino gaming license. No county or municipality shall enter into any agreement or arrangement with a licensee or potential licensee that submits the proposed casino to any regulatory structures not otherwise required of non-casino gaming businesses already operating in that community.

The governing authority of any county or municipality in this state shall be authorized to enact and enforce certain ordinance provisions that do not encroach on state authority in the area of casino gaming, which are as follows: 1) Zoning restrictions related to distance from specified structures, so long as the distance requirements are no more restrictive than requirements on all other hotels and resorts in that location; 2) Ordinances providing for the procurement and public display of a business license by the casino, so long as the requirements are no more restrictive than requirements on all other hotels and resorts in the location; 3) Ordinances providing for the procurement of a local alcohol license, so long as it is no more restrictive than requirements on all other hotels and resorts in the location; 4) Ordinances providing for the adherence to local fire and safety codes, so long as it is no more restrictive than requirements on all other hotels and resorts in the location; and 5) Ordinances eliminating any statutory or regulatory restrictions on the ability of the casino to operate on a 24 hour per day basis including the sale and service of food and alcoholic beverages.

Casinos operating within this state shall be subject to an annual 20% tax on their gross gaming revenue, which shall be levied and collected by the Department of Revenue. Prior to implementation of this annual tax, the commission shall coordinate with the Department of Revenue to develop the process and procedures for the collection of this tax. No tax on gaming revenue is permitted by a county or municipality. Moreover, all sales of games on slot machines or similar electronic gaming machines shall be exempt from any and all sales taxes imposed by state or local law.

HB 677 creates a separate account in the state treasury called the Casino Gaming Education Account and shall be the sole repository of revenue and proceeds derived from the following sources: casino gaming licensing fees as collected or transferred; forfeited financial deposits of unsuccessful casino gaming license applicants; civil penalties levied against licensees and other parties regulated by the commission; all proceeds generated by the state's taxation of the gross gaming revenue of casinos; all other permitting or regulatory fees collected by the commission in accordance with any future rules or procedures it promulgates.

All funds contained within the Casino Gaming Education Account shall be unencumbered property of the state and shall be invested by the state treasurer in accordance with state investment practices. The proceeds contained within the Casino Gaming Education Account shall only be appropriated, dispensed, or utilized as follows: 1) funding educational programs and purposes; 2) payment of operating expenses associated with the regulation of casino gaming by the commission; 3) funding of state resources for the treatment of problem gaming issues; and 4) financial support of counties and municipalities hosting licensed resort facilities for casino gaming.

Every year, the Governor shall make specific recommendations regarding the Casino Gaming Proceeds as to how much shall be spent on the following: 1) the funding of educational programs and purposes; 2) the payment of the commission operating expenses associated with the regulation

of casino gaming; 3) funding the Georgia Problem Gaming Fund; and 4) the funding of the Georgia Licensed Resort Facility Host Community Fund.

Payment to the commission's operating fund shall not exceed five percent of the total casino gaming proceeds for a given fiscal year. Funding for the Georgia Problem Gaming Fund shall not exceed two percent of the total casino gaming proceeds for a given fiscal year. Funding for the Georgia Licensed Facility Host Community Fund shall not exceed three percent of the total gaming proceeds for a given fiscal year. The funding for educational programs and purposes shall at all times constitute at least 90 percent of total casino gaming proceeds for a given fiscal year.

Educational funding from casino gaming proceeds shall only be provided for the following programs and purposes: 1) The HOPE scholarship program; 2) Other tuition grants, scholarships, or loans to citizens of this state regardless if the college or universities are operated by the Board of Regents or to attend institutions operated under the authority of the Department of Technical and Adult education; 3) Voluntary pre-kindergarten; and 4) One or more educational shortfall reserves in a total amount of not more than five percent of the net revenues or proceeds from casino gaming for the preceding fiscal year. No funds shall be recommended for two-four, stated previously, until the HOPE scholarship has been fully funded.

Upon the consideration of the budgetary recommendation provided by the Governor, in the General Appropriations Act adopted each fiscal year, the General Assembly shall appropriate all casino gaming proceeds, as a separate section in the budget, for the same categories and limitations as set forth for the Governor.

Each fiscal year, the state treasurer shall transfer to the designated recipients the portion of annual casino gaming proceeds specifically appropriated from the Casino Gaming Education Account pursuant to the General Appropriations Act in accordance with traditional state budgetary and appropriation principles.

HB 677 provides that the commission shall establish an Advisory Committee on Problem Gaming consisting of seven members to advise, it on issues associated with problem gaming.

The Governor shall appoint the following individuals as members of the advisory committee: 1) Two representatives from current casino gaming licensees; 2) Two individuals who work in the area of mental health; 3) One individual who represents the Georgia Department of Education with experience in the prevention or treatment of problem gaming; and 4) Two individuals who represent organizations that provide assistance to individuals who are problem gamblers.

Members shall serve without compensation for a term to be established by the commission. At the first meeting and annually thereafter, the committee will elect a chair.

HB 677 creates an account within the state general fund known as the Problem Gaming Fund, to be administered by the board. At no point in time shall the annual fund exceed more than two percent of the total casino gaming proceeds appropriated by the General Assembly. The fund must be expended to award grants of money or contracts for services to state agencies or organizations and educational institutions to provide programs for the prevention, treatment, or research relating to problem gaming. The commission may accept donations or gifts into the fund. The donations or gifts within the fund do not revert to the state general fund and are carried forward to the next fiscal year.

HB 677 creates and account within the state general fund known as the Georgia Licensed Resort Facility Host Community Fund to be administered by the board. At no point in time, shall annual funding for the account exceed more than four percent of the total casino gaming proceeds appropriated by the General Assembly. The fund must be expended to provide local impact grants only to those counties and municipalities that host a casino, and for only the following purposes: 1) to fund infrastructure and transportation improvement projects within a five mile radius of the casino; 2) to fund school construction projects and educational programs in in the host county or municipality; 3) to fund economic and community development projects in the host county or

municipality; 4) to fund public safety projects and/or police, fire, and emergency projects within a 5 mile radius of the casino; and 5) to fund sanitation projects within the host county or municipality. 6) To fund all other projects that the General Assembly designates as permissible.

The existence of the Georgia Licensed Resort Facility Host Community Fund shall not create a right for any host community to receive money from the fund. Moreover, money contained within the fund does not revert to the state general fund at the end of the fiscal year and is carried forward to the next fiscal year.

The commission shall have all necessary authority to promulgate rules and regulations regarding the issuance of credit instruments by the operators of casinos in this state.

HB 677 provides that the illegality and non-enforceability of gambling debts and contracts shall not apply to legal casino gaming activities conducted in accordance with the rules and regulations of the commission.

The commission shall have all necessary authority to promulgate rules and regulations regarding the resolution of all disputes between casino patrons and casinos regarding: 1) Alleged winnings, alleged losses, or the award or distribution of any item in a game, tournament, contest, drawing, or similar activity or event. 2) The manner in which a game, tournament, contest, drawing, promotion, or similar activity is conducted.

The commission shall establish rules and regulations the procedures governing the approval and operation of inter-casino linked systems without limitation. The commission must include in such rules and regulations the following: 1) The standards of approval for inter-casino linked systems; 2) Requirements for the operator of the inter-linked system as well as the establishment of a minimum rate of progression of the primary jackpot meter; 3) Criteria for multiple permitting of inter-casino linked systems; and 4) The procedures for auditing and regulatory compliance of an inter-casino linked system.

HB 677 provides that any person who is not licensed that knowingly operates a facility where casino gaming is undertaken shall be guilty of a felony with a punishment by a fine not to exceed \$100,000 and imprisonment for not less than one year nor more than 10 years. Any person other than a lawful holder who is in possession of any license or permit issued by the commission, or a forged or simulated license or permit, who uses such document for the purpose of misrepresentation or fraud shall be guilty of a felony with a punishment by a fine not to exceed 100,000 and imprisonment for not less than one year nor more than 10 years.

Any person, with the intent to defraud, acts to alter the outcome of any table game or slot machine through: 1) the use of any device; 2) the introduction of any foreign substance or item; 3) any other impermissible means shall be guilty of a felony with a punishment by a fine not to exceed \$25,000 or by imprisonment for not less than one year nor more than three, or both.

Any person with the intent to defraud, influences or conspires with another to alter the outcome of any table game or slot machine through: 1) the use of any device; 2) the introduction of any foreign substance or item; 3) any other impermissible means shall be guilty of a felony with a punishment by a fine not to exceed \$100,000 or by imprisonment for not less than one nor more than 10 years, or both.

Any person who with the intent to defraud: 1) Alters or misrepresents the outcome of a game or other event on which wagers have been made after the outcome is made sure but before it is revealed to the players; 2) Places increases, or decreases a bet or to determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or any event that affects the outcome of the game or which is the subject of the bet or to aid anyone in anyone in acquiring such knowledge for the purpose of placing, increasing, or decreasing a bet or determining the course of play contingent upon the event or outcome; 3) Claims, collects, or takes, or attempts to claim, collect, or take, money or anything of value in or from a gambling game without have made a wager contingent thereon, or to claim, collect, or take an amount greater than the amount won; 4)

Entices or induces another to go to any place where a gambling game is being conducted or operated in violation of the provisions of the code, with the intent that the other person play or participate in a gambling game; 5) Places or increases a bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including past posting and pressing bets; 6) Reduces the amount wagered or cancels the bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including pinching bets; 7) Manipulates any component of a gaming device in a manner contrary to designed and normal operational purpose for the component, with knowledge that the manipulation affects the outcome of the game; or 8) Offers, promises, or gives anything of value to anyone for the purpose of influencing the outcome of a contest or game upon which a wager may be made, or places, increases, or decreases a wager after acquiring knowledge, not available to the general public, that anyone has been offered, promised or given anything of value for the purpose of influence the outcome of a game or contest upon which the wager is placed, increased, or decreased shall be guilty of a felony and shall be punished by a fine not to exceed \$25,000 or by imprisonment for not less than one nor more than three years or both.

It shall be unlawful for any person to use, possess with the intent to use, or assist another person in using or possessing with the intent to use any device which is designed, constructed, altered, or programmed to obtain an advantage at playing any game in a casino that: 1) projects the outcome of the game; 2) keeps track of cards played or cards prepared for play in the game; 3) Analyzes the probability of the occurrence of an event relating to the game; or 4) Analyzes the strategy for playing or betting to be used in the game, except as may be made available as part of an approved game or otherwise permitted by the commission shall be guilty of a felony with a punishment of a fine not to exceed \$25,000 or by imprisonment for not more than one year nor more than three or both.

It shall be unlawful for any person, other than an employee acting in furtherance of employment to possess, use, sell, or manufacture counterfeit wagering instruments or other counterfeit items that are used to determine the outcome of any contest conducted by or on behalf of the licensee. It shall be unlawful for any person in playing a gambling game designed to be played with wagering instruments to: 1) knowingly use any instrument not approved by the commission or; 2) Use any device or means to violate the rules and regulations of the commission. Moreover, It shall be unlawful for any person, other than an employee acting in furtherance of employment to have on his/her person, on or off premises, any device intended to be used to violate the rules and regulations of the commission. In addition, it shall be unlawful for any person, other than an employee acting in furtherance of employment, to be in possession of any key or device known to be suitable for entering or affecting any game on or off the premises. It shall be unlawful for any person, other than an employee acting in furtherance of employment, to be in possession of any paraphernalia for manufacturing slugs (equipment including lead, alloys, molds, torches, tongs, trimming tools, or any equipment that can be reasonably demonstrated to manufacture facsimile debt or wagering instruments). Possession of one or more of these devices, equipment, products or materials described in this paragraph permits a rebuttable inference that the possessor intended to use them for cheating. The punishment is a felony with a fine not to exceed \$25,000 or by imprisonment for not less than one nor more than three years or both.

It shall be unlawful for any person to knowingly cheat at any gambling game. The punishment is a felony with a fine not to exceed \$25,000 or by imprisonment for not less than one nor more than three years or both.

It shall be unlawful to manufacture, sell, or distribute any cards, chips, dice, game, or device that is intended to be used to violate the law. Moreover, it shall be unlawful to modify any gaming device in a manner that: 1) affects the result of a wager by determining win or loss; or 2) alters the normal criteria of random selection, which affects the operation of the game or determines the outcome of a game. Moreover, it shall be unlawful to any person to instruct another in cheating or in the use of any device for that purpose, with knowledge or intent that the use of such knowledge may be employed to violate the law or rules of the commission. The punishment is a felony with a fine not to exceed \$25,000 or by imprisonment for not less than one nor more than three years or both.

A person, alone or with others, shall not knowingly, within or outside of this state: 1) Accept or receive, through any medium of communication, a wager from another person who is physically present within this state; or 2) allow a lessee, agent, or employee to accept or receive, directly or indirectly, through any medium of communication, a wager from another person who is physically present in this state. This shall not apply to a wager placed by a person's own benefit or, without compensation, for the benefit of another that is accepted by: 1) Any other person or casino that is licensed to engage in wagering that complies with all other applicable laws and regulations concerning wagering; or 2) Any other person or casino that is licensed to engage in wagering in another jurisdiction and is permitted to accept a wager from patrons within this state under any agreement entered into by the Governor pursuant to code or the rules and regulations of the commission. The punishment for a violation is a misdemeanor.

Any person who conspires with another, either inside or outside this state, to commit a felony prohibited by this chapter (Ch. 39, the previous listed violations) shall be guilty of a felony and shall be punished with a fine not to exceed \$100,000 or by imprisonment not less than 1 year nor more than 10, or both.

HB 677 adds an exception to the voidability of gambling contracts and the recovery of gambling debts by adding an exception for those that rise out of legitimate and legal casino gaming activities.

HB 677 adds an exception to the criminal offense of: gambling; commercial gambling; keeping a gambling place; possession, manufacture, or transfer of gambling devices or parts; solicitation of another to gamble; advertising commercial gambling; communicating gambling information; seizure and destruction of gambling devices; disposition of property used in gambling; promotional giveaway contests; bingo for profit; licensed non-profit bingo operations; and rules governing bingo sessions by excluding gambling that arises out of legitimate and legal casino gaming activities.

Authored By: Rep. Ron Stephens (164th)
House Committee: Regulated Industries

Committee Action: 02-25-2016 Do Pass by Committee Substitute

HR 807 Casino resorts; local authorization of limited number of licensed resorts; provide - CA

Bill Summary: HR 807 proposes an amendment to the Constitution so as to authorize the General Assembly to provide laws for the purpose of allowing casino gambling in the state of Georgia through a ballot initiative. HB 677 is the accompanying legislation.

Authored By: Rep. Ron Stephens (164th)
House Committee: Regulated Industries

Committee Action: 02-25-2016 Do Pass by Committee Substitute

Small Business Development Committee

HB 952 "Georgia Professional Regulation Reform Act"; enact

Bill Summary: HB 952 enacts the 'Georgia Professional Regulation Reform Act,' to provide for executive oversight of licensing boards and to establish consistent state policy for the regulation of certain professions and businesses.

Authored By: Rep. Chad Nimmer (178th)
House Committee: Small Business Development

Committee Action: 02-25-2016 Do Pass by Committee Substitute

Transportation Committee

HR 1052 Thomas William Poole Memorial Bridge; Schley County; dedicate

Bill Summary: House Resolution 1052 is the annual House road and bridge dedication package. The substitute includes the House resolutions below:

House Resolution 1052 dedicates the bridge on U.S. Highway 19 North over Buck Creek in Schley County is dedicated as the Thomas William Poole Memorial Bridge.

The substitute also includes:

House Resolution 650 dedicates the bridge on US 441/SR 15 over Interstate 85 in Banks County as the Richard Chambers Bridge. (Rep. Dan Gasaway);

House Resolution 853 dedicates the bridge on State Route 127 over the Flint River Overflow, 3 miles west of Marshallville in Macon County, is dedicated as the Dr. Delores Felder Memorial Bridge. (Rep. Patty Bentley);

House Resolution 854 dedicates the bridge on State Route 26 over the Flint River Overflow in Macon County is dedicated as the William Brown Bridge. (Rep. Patty Bentley);

House Resolution 970 dedicates the bridge over Raccoon Creek on Georgia Highway 133 west of Cartersville in Bartow County is dedicated as the Solomon T. "Sol" Dover Memorial Bridge. (Rep. Paul Battles);

House Resolution 977 dedicates the bridge on U.S. 29 over the Savannah River in Hart County is dedicated as the Louie Morris Memorial Bridge. (Rep. Alan Powell);

House Resolution 1032 dedicates the bridge on Highway 92 North over the Chattahoochee River in Fulton County as the Robert and Ardena Beasley Memorial Bridge. (Sharon Beasley-Teague);

House Resolution 1249 dedicates the intersection of State Route 125/Bemiss Road/Valdosta Ray City Highway and State Route 122 at the meeting point of Lowndes, Berrien, and Lanier counties as Walker's Crossing in memory of Mr. William "Mr. Bill" and Ruby Herndon Walker. (Penny Houston);

House Resolution 1250 dedicates the portion of State Route 125 from the intersection of CR 354/Alapaha Lenox Road to the intersection at West Marion Avenue and Tifton Road at State Route 122 in Berrien County as the Veterans Memorial Parkway. (Penny Houston);

House Resolution 1251 dedicates the bridge on State Route 37/76 over Bear Creek in Cook County as the Joel Jackson Parrish Bridge. (Penny Houston);

House Resolution 1325 dedicates the portion of Highway 19 from Schley County mile marker 0 to Sumter County mile marker 15.7 and continuing to the northern city limits of Americus at mile marker 14 as the SFC Victor A. Anderson Memorial Highway. (Mike Cheokas);

House Resolution 1327 dedicates State Route 520 from Chattahoochee County through Dougherty County, including Stewart, Webster, Terrell, and Lee counties, as the Purple Heart Highway. (Gerald Greene);

House Resolution 1400 dedicates the bridge on Highway 112 over Interstate 16 in Wilkinson County is dedicated as the Steven Charles Brack Memorial Bridge. (Bubber Epps);

House Resolution 1429 dedicates the portion of State Route 59 from the intersection with State Route 17 to Highway 164/Bold Springs Road in Franklin County as the Billy Dilworth Memorial Highway. (Alan Powell);

House Resolution 1431 dedicates the bridge over the Norfolk Southern rail lines/North and South Berry Streets on State Route 42 in Henry County as the Martin Luther King, Sr., Memorial Bridge. (Andy Welch);

House Resolution 1457 dedicates the bridge on Highway 129 over Lake Lanier is dedicated as the Longstreet Bridge. (Carl Rogers);

House Resolution 1459 dedicates the bridge on Riverside Drive over Interstate 75 in Bibb County as the Mayor Lee Robinson Memorial Bridge. (Allen Peake);

House Resolution 1461 dedicates the intersection of Highway 257 and the Highway 441 Bypass in Laurens County as the TSGT Mack Fitzgerald Intersection. (Matt Hatchett);

House Resolution 1462 dedicates the intersection of State Route 20/Canton Highway and Roving Road/Smith Cline Road in Bartow County as the Reverend Joe E. Edwards Intersection. (Christian Coomer);

House Resolution 1508 dedicates the portion of State Route 93 from State Route 112 in the community of Lester to State Route 300 in Baconton in Mitchell County as the Harvey J. Morey Memorial Highway. (Jay Powell);

House Resolution 1512 dedicates the interchange at Georgia 400 and U.S. 19 in Sandy Springs as the Mayor Eva Cohn Galambos Memorial Interchange. (Wendell Willard);

House Resolution 1523 honors the life of Sergeant First Class Ray F. Lents and dedicates an intersection in his memory; and for other purposes. (Speaker Ralston);

House Resolution 1524 honors the life of Mayor Barbara Stephens and dedicates a road in her memory; and for other purposes. (Speaker Ralston); and

House Resolution 1525 honors the life of Mr. Roy L. Chapman and dedicating an intersection in his memory; and for other purposes. (Speaker Ralston).

Authored By: Rep. Mike Cheokas (138th)

House Committee: Transportation

Committee Action:

02-25-2016 Do Pass by Committee Substitute

Ways & Means Committee

HB 924 Sales and use tax; certain sales to a qualified job training organization; provide exemption

Bill Summary: This legislation provides a sales and use tax exemption for job training organizations. A qualified organization must be located within the state; exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code; specialize in the retail sale of donated items; provide job training and employment services to individuals with workplace disadvantages or disabilities including reentry citizens and veterans; and use a majority of its revenues for job training and placement programs. The bill contains metrics to evaluate the benefit rendered to the state by the exemption.

Authored By: Rep. James Epps (144th)

House Committee: Ways & Means

Committee Action:

02-25-2016 Do Pass by Committee Substitute

Committee Meeting Schedule

This meeting schedule is up to date at the time of this report, but meeting dates and times are subject to change.

To keep up with the latest schedule, please visit www.house.ga.gov and click on [Meetings Calendar](#).

Friday, February 26, 2016

9:30 AM [Floor Session \(LD 29\)](#) House Chamber

8:00 AM [Caldwell Sub Judiciary Civil](#) 132 CAP

8:30 AM [RULES](#) 341 CAP